



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

STATE BOUNDARY COMMISSION

MEETING NOTICE – REVISED* (6-6-07)

THURSDAY – JUNE 21, 2007 - 1:30 PM
611 W. OTTAWA STREET (OTTAWA BUILDING) - LANSING
CONFERENCE ROOM 2 – UPPER LEVEL

AGENDA

<u>COUNTY</u>	<u>DOCKET</u>	<u>ACTION</u>
KALAMAZOO	06-I-1	Adjudicative meeting on the proposed incorporation of the Village of Climax as a Home Rule City. <u>CANCELED</u>
HURON	05-I-2	Legal sufficiency of a referendum petition on the proposed incorporation of the Village of Caseville as a Home Rule City.
DICKINSON *	07-AP-1	Adjudicative meeting to adopt the Summary of Proceedings, Findings of Fact, and Conclusions of Law for the rejection of legal sufficiency on the proposed annexation of certain territory (TJM) in Breitung Township to the City of Iron Mountain.
DICKINSON	07-AP-4	Legal sufficiency on the annexation of territory (212 acres) in Breitung Township to the City of Iron Mountain.
DICKINSON	07-AP-5	Legal sufficiency on the annexation of territory (TJM Hospitality, LLC) in Breitung Township to the City of Iron Mountain.

TO CONFIRM WHETHER A DOCKET ITEM HAS BEEN POSTPONED, OR IF YOU HAVE ANY QUESTIONS REGARDING THIS MEETING, PLEASE CALL (517) 335-3439 BEFORE 11:00 AM ON THE DAY OF THE MEETING.

THE COMMISSION MAY, AT ITS DISCRETION, REVISE THIS AGENDA OR TAKE UP OTHER ISSUES AS NEED AND TIME ALLOW.
AGENDA ITEMS MAY NOT NECESSARILY BE CONSIDERED IN THE SAME ORDER AS LISTED ABOVE.

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Please make sure all cell phones, pagers, and other personal electronic devices are either turned off or set to vibrate. The meeting site is accessible and includes handicapped parking. Persons with disabilities who require additional accommodation in order to participate should contact the Boundary Commission Office by either telephone (517-335-3439) or email (holmes@michigan.gov) at least ten business days in advance. In order to enhance accessibility for everyone, individuals attending the meeting are encouraged to refrain from using heavily scented personal care products.
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KEITH W. COOLEY
DIRECTOR

To: State and Dickinson County Boundary Commissioners

From: Christine Holmes, Manager
State Boundary Commission

Date: June 20, 2007

Subject: **DOCKET # 07-AP-4 – LEGAL SUFFICIENCY REVIEW**
Petition Proposing the Annexation of certain territory (212 acres) in
Breitung Township to the City of Iron Mountain

1. The petition to annex 212.31 acres of territory in Breitung Township to the City of Iron Mountain was filed with the State Boundary Commission on April 30, 2007. The petitioner is identified in Part IIa as J.C. Developments, Inc. and Iron Mountain Investments Co.

2. The petition contains corporate resolutions by both J.C. Developments Co. & Iron Mountain Investment which authorize Mr. Robert G. Forgette to sign documents for annexation. Corporate entity documents on file with the State of Michigan identify Mr. Robert G. Forgette as the Resident Agent for J.C. Developments Co., and Treasurer for Iron Mountain Investment Company. The resolutions comply with Boundary Commission Rule 25(4), which requires corporate documentation such as a resolution or meeting minutes to show that the petitioner was authorized to file.

3. According to the property deeds provided in the petition, commission staff could not clearly ascertain ownership of the 12.31 acres identified as J.C. Development property. The petition contains a quit claim deed recorded on December 7, 1987, which transfers property from certain Forgette family members to White Birch Plaza, a Michigan co-partnership. The first legal description on that document identifies the J.C. Development property described in the area proposed for annexation. As allowed under Rule 25(3), commission staff requested documentation to substantiate any transfer or current ownership of this specific property. In response, the petitioner provided the attached documentation to certify that all of the assets, properties, and liabilities of White Birch Plaza were transferred to J.C. Developments, Inc. as of October 1, 1990.

4. Although the Part I maps outline four parcels, the Part III legal description describes three parcels. Description 2 (NE ¼) in Part III refers to the two parcels located north of the East-West quarter line of Section 32, as outlined on the Part I map

A letter from the Office of Land Survey and Remonumentation, which describes their review of the map and legal description, is provided. Mr. Keith Lambert is available to provide further information and comment for the Commission.


Oct. 1, 1990

To whom it may concern:

This is to certify and inform that as of this date, October 1, 1990, that all of the assets, properties, and liabilities are hereby transferred from White Birch Plaza, a Michigan co-partnership between Robert G Forgette and Robert L Forgette, to J C Developments, Inc., a Michigan Corporation via a Sec. 1.351-3(a) transfer. A copy of this form is attached.


Robert G Forgette Partner


Robert L Forgette Partner


Robert G Forgette
Vice-Pres JC Developments, Inc

Transfer of Property Under Regs. Sec.1.351-3(a)

1. Property Transferred--On October 1, 1990, White Birch Plaza, a Michigan Partnership, #38-2062112 transferred the following to JC Development Company, Inc., a Michigan Corporation #38-2806248:

<u>Property</u>	<u>Fair Market Value</u>	<u>Tax Basis</u>	
Notes Receivable	\$ 643,000	\$ 287,381	150,000
Land	445,000	348,000	63,000
Land Improvements	45,000	36,000	78,000
Buildings	225,000	148,462	
Negotiable Securities	197,900	181,939	
TOTAL ASSETS	\$1,555,900	\$1,001,782	
Less liabilities	\$390,000		

VALUE OF ALL PROPERTY TRANSFERRED \$522,900

2. Stock Received--The general partners received a total of 3059 shares of \$1.00 par value common stock of JC Developments Company, Inc., with a fair market value of \$200 per share in exchange for the transferred property.

3. Liabilities Assumed--JC Developments Company, Inc., has assumed all of White Birch Plaza's liabilities totalling \$390,000. The corporate business purpose for the assumption of these liabilities by JC Developments Company, Inc., is that they arose in, and are associated with, the regular operations of the business transferred to it.



JENNIFER M. GRANHOLM
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STATE OF MICHIGAN
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KEITH W. COOLEY
DIRECTOR

June 12, 2007

Christine A. Holmes
Manager
State Boundary Commission

RE: **Docket 2007-AP-04 Breitung Township / City of Iron Mountain**

Dear Christine:

We have reviewed the PART I map, the PART III legal descriptions and the PART V legal descriptions in **2007-AP-04** and have the following comments for your consideration.

The PART III legal description contained three property descriptions. We are unaware if there are any prior conveyances that affect the JC Development property as stated in its description.

The PART I map and the PART III legal descriptions are substantially accurate and substantially consistent with each other.

The area described in the PART V descriptions is greater than 75% of the area in the PART III legal descriptions, exclusive of the road right-of-way.

The South line of the Northwest 1/4 of the Southeast 1/4 of Section 32 of the territory proposed for annexation overlaps the North line of the territory proposed for annexation in Docket No. 2007-AP-01 by approximately 14 feet based upon the PART I map in Docket No. 2007-AP-05.

The territory proposed for annexation is contiguous with the **City of Iron Mountain** limits, based on the documentation provided by the Secretary of State as of May 23, 2007.

If annexation is granted as proposed in the petition, we recommend that the calls for the 1/16 corners in the PART III legal description be revised to either remove the direction designation for these corners or add language for clarification of these corners to eliminate the ambiguity. Additionally, we recommend the clause "subject to any and all reservations, restrictions, easements and prior conveyances of record" be removed from the PART III legal description.

Sincerely,

Maynard R. Dyer, P.S., Director
Office of Land Survey and Remonumentation

Sincerely,

Keith E. Lambert, P.S., Plat Examiner
Office of Land Survey and Remonumentation

MRD:KEL:aim

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